Enough has been said to afford insight into the merits and demerits of the seventh edition of this work. The publishers have well performed their part; paper, printing, binding, and general form are all above the ordinary, while the table of cases and the index seem accurate. It is only to be wished that one-half the industry, ability and energy devoted to the elaboration of this volume had been spent on its condensation.

I. Maurice Wormser.

HISTORY OF ROMAN PRIVATE LAW. PART II: JURISPRUDENCE. By E. C. CLARK, LLD. of Lincoln's Inn, Barrister-at-Law. Regius Professor of Civil Law in the University of Cambridge. Cambridge: CAMBRIDGE UNIVERSITY PRESS. 1914. pp. Vol. 1, xiv, 1-432; Vol. 2, 433-802.

The first part of this work, the "Sources," appeared in 1906. This second part is more truly described by its second title than by its first; it is not so much a history of the development of Roman ideas as an essay on general jurisprudence. How far the author strays alike from Rome and from private law appears from what is by far the longest chapter, that on "Law and the State," which is chiefly devoted to a detailed examination of modern constitutions.

A glance over the table of contents suggests that Professor Clark attaches a considerable importance to the jurisprudential generalizations of the ancients. Beside such modern headings as "Definition of Positive Law," "Morality and Law," "Rights and Duties," we find *"Iux* and *Lex," "Iux Scriptum," "Ius non Scriptum," "Personae Res Actiones."* "Duties and *Obligationes"* are the subject of one chapter (or section, as the author prefers to call it,) though it is acknowledged that the terms are not commensurate; the section entitled *"In rem* and *in personam"* combines discussion of the ancient *actio* with that of the modern "right." In short, Professor Clark bases his jurisprudential doctrine on ancient as well as modern formulas.

The attempt is interesting but not justified by the result. The modern formulas are based on theoretical, the Roman on practical considerations. Some of the latter are for us applicable and valuable, but they stand on a different plane from the former. "Duties" is a universal, *"obligationes"* a limited term. The distinctions between *ius* and *lex,* between written and unwritten law, are matters of terminology, not of fundamental importance. The trichotomy of persons, things, actions, which constitutes, at best, a rough classification, as Sir F. Pollock has said, is one in which the importance of the first member is distinctively Roman. Explanation of such subjects is part of the explanation of the Roman legal system; explanation of the nature of law, of the nature of duties, rights, and wrongs deals with the fundamental material of universal law. The terms *in rem* and *in personam* have been made part of that material only by discarding the procedural foundation on which the Romans established them and applying them to the consideration of rights in general. In short, the basis of Professor Clark's exposition consists of two disparate elements, which a simultaneous treatment serves rather to confuse than to clarify.

Lack of perfect clearness arises also from the author's method of exposition. The sub-title, "A Comment on Austin," attached to his "Practical Jurisprudence," might equally well have been employed for the present work. Whether or not beginners in the study of jurisprudence should commence with Austin, it is certain that the frequent

summary and criticism of detached portions of Austin's teachings detracts from the independent value of Professor Clark's book, for which Austin's own work seems to be a prerequisite. A teacher desiring to put into the hands of his pupils a dogmatic statement of the elements of jurisprudence, in which the secondary conceptions of Roman lawyers find a place beside the modern fundamentals, will turn, as hitherto, to Professor Holland's well-known volume. Perhaps this objection hardly takes account of the fact that the writer, who tells us in his preface that "most of the material in this book was first put together for lectures," is addressing himself especially to English students; yet one cannot avoid thinking that he has adhered too closely to the form of his lectures and is still addressing himself rather to his own students than to a wider public.

We read also in the preface: "I cannot claim, for my views, the authority of an Austin, or of an Ihering; I only venture to say that, if readers will look up my references, they will generally find something which will enable them to form an opinion of their own." Probably most readers, while acknowledging the helpfulness of the abundant footnotes, will attribute more value to the text than is here claimed for it, and will only wish that the author had chosen to be more explicit and positive in the statement of his views.

W. H. Kirk.

LANDMARKS OF A LAWYER'S LIFETIME. By THERON G. STRONG. New York: DODD, MEAD & COMPANY. 1914. pp. 552.

Mr. Strong's book is not, as its name might suggest, either an autobiography or an account of the events of a typical career. It is rather a collection of what he appropriately terms "freehand sketches of notable lawyers and interesting incidents amid the passing show of the courts," constituting an informal history of the past forty years of the legal profession in the State of New York. It may well be doubted whether anyone could be found better qualified for this work than the author. His immediate ancestry includes judges of the Supreme Court of the United States, the Court of Appeals of New York, and inferior courts of both jurisdictions. Practically the entire modern history of the law is within the author's personal knowledge. He first appeared before the Court of Appeals in 1873, three years after its organization in the present form; he became a member in 1872 of the Association of the Bar, which, founded in 1870, immediately became a vital factor in legal affairs. He has seen the appearance within the legal field of title companies and liability insurance companies, fountain pens, rubber bands, typewriters, and stenographers. And the development of the law itself during the past forty years is indicated by the text-writers whose works were first issued during that period: Benjamin, Dillon, Perry, Wharton, Bigelow, Schouler, Freeman, High, Daniel, Cooley, Jones, Morawetz, Pomeroy, Cook, Foster. The reports of the Federal Supreme Court and the Supreme Court of the State of New York, which totalled fifty when the author's father began practice in 1826, and aggregated 315 in 1870, when the author was admitted, grew, during the period covered by his book, to some 1700, according to his calculation. With the men whose briefs or opinions formulated this tremendous body of law, the volume is mainly occupied.

A few of the chapters, particularly "The Modern Law Office" and "The Lawyer's Recreations," seem open to the criticism of being pad-